

Request for reports prepared by Commonwealth Ombudsman under s 76 of PID Act

[Marek](#) made this Freedom of Information request to [Commonwealth Ombudsman](#)

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The request was **refused** by [Commonwealth Ombudsman](#).

Marek March 06, 2022

Delivered

Dear Commonwealth Ombudsman,

Section 76(1) of the Public Interest Disclosure Act 2013 (Cth) (PID Act) provides:

The Ombudsman must, as soon as practicable after the end of each financial year, prepare and give to the Minister, for presentation to Parliament, a report on the operation of this Act during that financial year.

Section 76(2)(a) of the PID Act provides:

The report must include:

(a) in relation to each agency, statements of the following:

- (i) the number of public interest disclosures received by authorised officers of the agency during the financial year;
- (ii) the kinds of disclosable conduct to which those disclosures relate;
- (iii) the number of disclosure investigations that the principal officer of the agency conducted during the financial year;
- (iv) the actions that the principal officer of the agency has taken during the financial year in response to recommendations in reports relating to those disclosure investigations ...

In respect of the following agencies:

- a) the Australian Taxation Office, and
- b) the Department of Home Affairs, and
- c) the Administrative Appeals Tribunal, and
- d) the Attorney-General's Department, and
- e) the Australian Public Service Commission, and
- f) the Department of Finance, and

g) the Office of the Commonwealth Ombudsman,

I request copies of the reports for the 2019-2020 and 2020-2021 financial years PREPARED BY THE COMMONWEALTH OMBUDSMAN for presentation to the Parliament under s 76 of the PID Act such that the reports include, in relation to EACH AGENCY identified from (a)-(g), statements of the following (in accordance with s 76(2)(a) of the PID Act):

- (i) the number of public interest disclosures received by authorised officers of the agency during the financial year; and
- (ii) the kinds of disclosable conduct to which those disclosures relate; and
- (iii) the number of disclosure investigations that the principal officer of the agency conducted during the financial year; and
- (iv) the actions that the principal officer of the agency has taken during the financial year in response to recommendations in reports relating to those disclosure investigations.

This request for the reports prepared by the Ombudsman is made under s 15 of the FOI Act. Please provide the reports to me by email to the Right to Know website.

Yours faithfully,

Marek

Marek March 26, 2022

Delivered

Dear Commonwealth Ombudsman,

Could you acknowledge receipt of this request under the FOI Act? It's been more than 14 days.

Yours faithfully,

Marek

Information Access, Commonwealth Ombudsman **March 28, 2022**

1 Attachment

2022 102165 Ombudsman s response.pdf

147K [Download](#) [View as HTML](#)

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Dear Marek

I attach my response to your email dated 6 March 2022.

Yours sincerely

Gregory Parkhurst

Senior Legal Officer | Legal Team

Commonwealth Ombudsman

Ph: 1300 362 072 | Fax: 02 6276 0123

email: [1][CO request email]

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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References

Visible links

1. mailto:[CO request email]

Marek April 03, 2022

Delivered

Dear Mr Parkhurst,

I refer to your letter of 28 March 2022 (ref: 2022-102165).

In that letter you state:

The Commonwealth Ombudsman's reporting obligations under the Public Interest Disclosure Act 2013 (the PID Act) form part of the Commonwealth Ombudsman's annual reports. The Commonwealth Ombudsman's annual reports are available on the Ombudsman's website at: Annual Reports - Commonwealth Ombudsman. For the 2020-2021 financial year, the Commonwealth Ombudsman's report on the operation of the Public Interest Disclosure Scheme is provided at Part 4 of the annual report. Appendix 8 contains information about the disclosures received, the types of disclosable conduct alleged, the number of disclosure investigations, and the actions taken in response to recommendations.

As you have requested access to publicly available documents, and the FOI Act does not apply to publicly available documents, I have provided this response to you outside the FOI Act.

I requested access to the reports that the Ombudsman must, as soon as practicable after the end of each financial year, prepare and give to the Minister, for presentation to Parliament, which contain, in relation to each agency, statements of the following:

- (i) the number of public interest disclosures received by authorised officers of the agency during the financial year;
- (ii) the kinds of disclosable conduct to which those disclosures relate;
- (iii) the number of disclosure investigations that the principal officer of the agency conducted during the financial year;
- (iv) the actions that the principal officer of the agency has taken during the financial year in response to recommendations in reports relating to those disclosure investigations.

I requested access to the reports from the 2019-2020 and 2020-2021 financial years, and I requested that the reports contain the information set out in (i)-(iv) in respect of the following agencies:

- a) the Australian Taxation Office, and
- b) the Department of Home Affairs, and
- c) the Administrative Appeals Tribunal, and
- d) the Attorney-General's Department, and
- e) the Australian Public Service Commission, and
- f) the Department of Finance, and
- g) the Office of the Commonwealth Ombudsman.

Your response only attempts to address one of the reports – namely, the 2020-2021 financial year report. You have not attempted to address the 2019-2020 financial year report.

Also, the report you have directed me to does not address the terms of my request. I requested access to reports (plural):

- prepared under s 76 of the PID Act; and
- prepared for the 2019-2020 and 2020-2021 financial years; and
- that contained statements of the following:
 - the number of public interest disclosures received by authorised officers of the agency during the financial year; and
 - the kinds of disclosable conduct to which those disclosures relate; and
 - the number of disclosure investigations that the principal officer of the agency conducted during the financial year; and

- the actions that the principal officer of the agency has taken during the financial year in response to recommendations in reports relating to those disclosure investigations; and

- that set out the statements in relation to EACH of the following agencies:

- the Australian Taxation Office, and
- the Department of Home Affairs, and
- the Administrative Appeals Tribunal, and
- the Attorney-General's Department, and
- the Australian Public Service Commission, and
- the Department of Finance, and
- the Office of the Commonwealth Ombudsman.

Part 4 of the Ombudsman's Annual Report and Appendix 8 of that Annual Report do not address the terms of my request.

Either there are reports prepared by the Ombudsman that address the terms of my request (which terms are lifted verbatim from the PID Act) or there are not.

If the reports exist, please provide them. If they do not, please provide a response to that effect pursuant to s 24A of the FOI Act.

Your claim that I have requested access to publicly available documents is nonsense to the extent that you are suggesting that Part 4 of the Ombudsman Annual Report and Appendix 8 of that Annual Report address the terms of my request.

My request was made under section 15 the FOI Act on 6 March 2022. I expect a response pursuant to the FOI Act by the end of 5 April 2022. If I do not receive a response, I will apply for IC review on the basis that a deemed refusal decision was made personally by the Ombudsman.

Yours sincerely,

Marek

Commonwealth Ombudsman April 09, 2022

1 Attachment

attachment.pdf

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Our reference: MR22/00549

By email: [FOI #8563 email]

Receipt of your IC review application

Thank you for your application for Information Commissioner Review (IC review).

The Office of the Australian Information Commissioner (OAIC) is considering your application.

If you wish to advise the OAIC of any changes to your circumstances, including your contact details or if your FOI request has been resolved, please write to **[email address]** and quote MR22/00549.

Yours sincerely

Freedom of Information Regulatory Group

Office of the Australian Information Commissioner

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Commonwealth Ombudsman **April 09, 2022**

[1]Office of the Australian Information Reference Code:
Commissioner ICR_10-47969183-2377

You submitted a form called: FOI Review_

Your form reference code is: ICR_10-47969183-2377

To check the progress of your submission and/or confirm it has been received you should contact the agency that provides the form. These details are displayed below.

Office of the Australian Information Commissioner

[2]<http://www.oaic.gov.au> (https://web.archive.org/web/20221107184212/http://www.oaic.gov.au/) | [3]1300 363 992 | [4][email address]
GPO Box 5218, Sydney NSW 2001

Note: Please do not reply to this auto-generated email.

References

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2. <http://www.oaic.gov.au/> (https://web.archive.org/web/20221107184212/http://www.oaic.gov.au/)
3. file:///tmp/tel:1300 363 992
4. mailto:[email address]

Commonwealth Ombudsman April 09, 2022

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3. file:///tmp/tel:1300 363 992
4. mailto:[email address]

Marek April 09, 2022

Delivered

Dear Commonwealth Ombudsman,

I have applied for IC review on the ground of a deemed refusal decision made personally by the Commonwealth Ombudsman. The IC review reference is MR22/00549.

I look forward to receiving an FOI decision according to law.

Yours faithfully,

Marek

Information Access, Commonwealth Ombudsman May 20, 2022

2 Attachments

image001.png

10K Download

2022 102165 FOI Decision 20 05 22.pdf

148K Download View as HTML

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Dear Marek,

Please see attached correspondence.

Kind regards,

Sine Dellit

Senior Legal Officer | Legal Team

Commonwealth Ombudsman

Ph: 1300 362 072 | Fax: 02 6276 0123

Email: [1][CO request email]

[2][IMG]

Influencing systemic improvement in public administration

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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References

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2. <https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ombudsman.gov.au%2F&data=05%7C01%7CInformation.Access%40ombudsman.gov.au%7C9fad753a498a456cfb5d08da299e3687%7C443ee9e811ff4c829e4139331045260a%7C0%7C0%7C637868056759984181%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBII6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C&sdata=%2FPuLyEIIo0AS%2B25eF0lwQleJxAdZd%2BGM9U5zlxcgH0%3D&reserved=0>

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OAIC reference: MR22/00549

Agency reference: 2022-102165

Mr Marek Paderewski

By email: [1][FOI #8563 email]

Your IC review application about the Commonwealth Ombudsman

Dear Mr Paderewski

I write to you regarding your application for Information Commissioner review (IC review) of a decision the Commonwealth Ombudsman (COMBO) was deemed to have made on 5 April 2022.

On 20 May 2022, COMBO notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to refuse your FOI request.

Can you please notify us by 7 June 2022, if you now wish to:

- o Withdraw the IC review application, or
- o Proceed with the IC review application, including submissions about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without

reasonable excuse. Should we not receive a response from you to this email by 7 June 2022, your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions, please contact me via email at [2][email address]. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

Alistair B

[3][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory Group

Office of the Australian Information
Commissioner

GPO Box 5218 Sydney NSW 2001 |
[4]oaic.gov.au

1300 363 992 | [5][email address]

[6][IMG] | [7][IMG] | [8][IMG] | [9]Subscribe to OAICnet newsletter

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XCstqWFq4vfJInD9pBdzPPg%2BSBBwS5Z18xU5cHbdQw%3D&reserved=0)

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5. mailto:[email address]

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7. <https://aus01.safelinks.protection.outlook.com/> (https://web.archive.org/web/20221107184212/https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fcompany%2Foffice-of-the-australian-information-commissioner&data=04%7C01%7Calistair.boyd%40oaic.gov.au%7C8147ddee24934446d91d08d9e4671be3%7Ce4cdedb454f4218919b7adc32bf1549%7C0%7C0%7C637791953768040352%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBtil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=ElijkZG6t5jrnt3khX53wMnyljpmtpBjZXv53UQs2IE%3D&reserved=0)

8. <https://aus01.safelinks.protection.outlook.com/> (https://web.archive.org/web/20221107184212/https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FOAICgov&data=04%7C01%7Calistair.boyd%40oaic.gov.au%7C8147ddee24934446d91d08d9e4671be3%7Ce4cdebd454f4218919b7adc32bf1549%7C0%7C0%7C637791953768040352%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBtil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=E%2F2K6gcXSUO5tN0DQNTxgKgmHakU1tzGRvBAV%2FpLGrY%3D&reserved=0)

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CLARKE, Jasmin, June 02, 2022

6 Attachments

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Our reference: RQ22/01910

Agency reference: 2022-102165

Marek

By email: [1][FOI #8563 email]

Extension of time under s 54D

Dear Marek

Please find attached a decision of today's date for an extension of time from the Commonwealth Ombudsman.

The OAIC will contact you separately regarding your IC review (MR22/00549).

Kind regards,

Jasmin Clarke

[2][IMG] Intake and Early Resolution Team

Freedom of Information

Office of the Australian Information Commissioner

GPO Box 5218 Sydney NSW 2001 |
[3]oaic.gov.au

1300 363 992 | [4][email address]

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6. [https://aus01.safelinks.protection.outlook.com/](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fcompany%2Foffice-of-the-australian-information-commissioner&data=04%7C01%7Cjasmin.clarke%40oaic.gov.au%7Cb394e7f59b6a425383ae08d9fbe76ee4%7Cea4cedb454f4218919b7adc32bf1549%7C0%7C0%7C637817793687882443%7CUknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQljoV2luMzliLCJBtil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=g1CSW8qMGXr9msiN9ztF47q1j9qKRleYRNIMaS0UzjY%3D&reserved=0) (https://web.archive.org/web/20221107184212/https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fcompany%2Foffice-of-the-australian-information-commissioner&data=04%7C01%7Cjasmin.clarke%40oaic.gov.au%7Cb394e7f59b6a425383ae08d9fbe76ee4%7Cea4cedb454f4218919b7adc32bf1549%7C0%7C0%7C637817793687882443%7CUknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQljoV2luMzliLCJBtil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=g1CSW8qMGXr9msiN9ztF47q1j9qKRleYRNIMaS0UzjY%3D&reserved=0)7. <a href=) (https://web.archive.org/web/20221107184212/https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fcompany%2Foffice-of-the-australian-information-commissioner&data=04%7C01%7Cjasmin.clarke%40oaic.gov.au%7Cb394e7f59b6a425383ae08d9fbe76ee4%7Cea4cedb454f4218919b7adc32bf1549%7C0%7C0%7C637817793687882443%7CUknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQljoV2luMzliLCJBtil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=g1CSW8qMGXr9msiN9ztF47q1j9qKRleYRNIMaS0UzjY%3D&reserved=0)

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OAIC - FOI DR, June 24, 2022

5 Attachments

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OAIC reference: MR22/00549

Agency reference: 2022-102165

Mr Marek Paderewski

By email: [1][FOI #8563 email]

Your IC review application about the Commonwealth Ombudsman

Dear Mr Paderewski

I write to you regarding your application for Information Commissioner review (IC review) of a decision the Commonwealth Ombudsman (Ombudsman)

was deemed to have refused, and to our email of 24 May 2022.

On 20 May 2022, the Ombudsman provided a decision to you on your FOI request.

On 24 May 2022, we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by 7 June 2022. The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by 30 June 2022.

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by 30 June 2022, your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact us at [2][email address]. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

Tania Strathearn

[3][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory Group

Office of the Australian Information
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GPO Box 5218 Sydney NSW 2001 |

[4]oaic.gov.au

1300 363 992 [5][email address]

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From: OAIC - FOI DR
Sent: Tuesday, 24 May 2022 11:27 AM
To: [FOI #8563 email]
Subject: MR22/00549 – IC Review – Confirmation of Intention to Proceed

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OAIC reference: MR22/00549
Agency reference: 2022-102165

Mr Marek Paderewski

By email: [10][FOI #8563 email]

Your IC review application about the Commonwealth Ombudsman

Dear Mr Paderewski

I write to you regarding your application for Information Commissioner review (IC review) of a decision the Commonwealth Ombudsman (COMBO) was deemed to have made on 5 April 2022.

On 20 May 2022, COMBO notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to refuse your FOI request.

Can you please notify us by 7 June 2022, if you now wish to:

- o Withdraw the IC review application, or
- o Proceed with the IC review application, including submissions about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by 7 June 2022, your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions, please contact me via email at [11][email address]. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

Alistair B

[12][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory
Group

Office of the Australian Information
Commissioner

GPO Box 5218 Sydney NSW 2001 |

[13]oaic.gov.au

1300 363 992 |

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url=http%3A%2F%2Fwww.facebook.com%2FOAICgov&data=04%7C01%7Cnatalie.crow%40oaic.gov.au%7C3fac9ea85a3f4e32805c08d87ad6d135%7Ce a4cdebd454f4218919b7adc32bf1549%7C0%7C0%7C637394410560120810%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJB Til6Ik1haWwiLCJXCI6Mn0%3D%7C1000&sdata=LrbL7hQk9IHpdTJb9Uz7Cg%2BvG9d3TL0%2F6Vm podcq dEY%3D&reserved=0)

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OAIC reference: MR22/00549

Agency reference: 2022-102165

Mr Marek Paderewski

By email: [1][FOI #8563 email]

Your IC review application about the Commonwealth Ombudsman

Dear Mr Paderewski

I refer to your application for Information Commissioner review (IC review) of a decision the Commonwealth Ombudsman (Ombudsman) was deemed to have refused, and to our email of 24 May 2022.

On 20 May 2022, the Ombudsman provided a decision to you on your FOI request.

On 24 May 2022, we wrote to you (attached) seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by 7 June 2022. The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by 30 June 2022.

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by 30 June 2022, your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, or require any additional time to respond, please contact us at [2][email address]. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

Tania Strathearn

[3][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory Group

Office of the Australian Information
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Marek June 29, 2022

Delivered

Dear Ms Strathearn,

I did not respond to Alistair B's email of 24 May 2022 because your colleague Ms Jasmin Clarke sent correspondence to me on 2 June 2022 that, somewhat confusingly, suggested that the Information Commissioner would be reviewing the decision and that staff in the OAIC would be in touch with me in that regard.

Given that Ms Dellit of the Office of the Commonwealth Ombudsman has tacitly conceded that the Commonwealth Ombudsman failed to prepare a report according to the terms of subsection 76(2) of the Public Interest Disclosure Act 2013 and, accordingly, there was no report to provide to me because of that substantial failure, there is no need for the Information Commissioner to conduct a review of the deemed refusal decision that Ms McKay, the Acting Commonwealth Ombudsman, made.

Nonetheless, I would like to take this opportunity to make a complaint about the Office of the Commonwealth Ombudsman's handling of the FOI request that I made under section 70 of the FOI Act.

It was unacceptable for me to have to wait more than two months to get a substantive decision because Mr Gregory Parkhurst thought it appropriate to refuse to even acknowledge the request as an FOI request. In his correspondence to me, Mr Parkhurst stated:

"The Commonwealth Ombudsman's reporting obligations under the Public Interest Disclosure Act 2013 (the PID Act) form part of the Commonwealth Ombudsman's annual reports. The Commonwealth Ombudsman's annual reports are available on the Ombudsman's website at: Annual Reports - Commonwealth Ombudsman. For the 2020-2021 financial year, the Commonwealth Ombudsman's report on the operation of the Public Interest Disclosure Scheme is provided at Part 4 of the annual report. Appendix 8 contains information about the disclosures received, the types of disclosable conduct alleged, the number of disclosure investigations, and the actions taken in response to recommendations.

As you have requested access to publicly available documents, and the FOI Act does not apply to publicly

available documents, I have provided this response to you outside the FOI Act."

That is just stonewalling. It was clear to him that the truth (i.e. the concession that the Commonwealth Ombudsman failed to do what the Parliament stipulated in section 76 of the PID Act) would be a source of embarrassment for the Ombudsman and, instead of handling the FOI request according to law, Mr Parkhurst came up with some elaborate trash about non-compliant documents, that I had impugned, existing in the public domain and that, accordingly, the FOI request was not to be responded to under the FOI Act.

This kind of nonsense has been allowed to flourish and the OAIC should clamp down on agencies that think it is appropriate to deny members of the public their rights under the laws of the Commonwealth.

Please let me know if you need anything more from me to action this complaint.

Yours sincerely,

Marek

OAIC - FOI DR, July 22, 2022

5 Attachments

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Our reference: CP22/01467

Agency reference: 2022-102165

Applicant

Email to: [1][FOI #8563 email]

Your FOI Complaint about the Commonwealth Ombudsman (the Ombudsman)

Dear Mr Paderewski,

We acknowledge receipt of your FOI complaint about the Ombudsman.

Please note:

- o Once your application has been assessed, you will be advised by an investigations and review officer about the next steps in our complaints handling process.
- o If your circumstances change, or your request has been resolved, please advise us by email as soon as practicable.
- o Information about the way we handle your personal information is available in our [2]privacy policy.

Should you wish to follow up on this matter, please contact the OAIC by email at [3][email address].

Yours sincerely,

Thomas Hanaee

[4][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory Group

Office of the Australian Information
Commissioner

GPO Box 5218 Sydney NSW 2001 |

[5]oaic.gov.au

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Marek August 17, 2022

Delivered

Dear Mr Hanaee,

Thank you.

Yours sincerely,

Marek

OAIC - FOI DR, September 07, 2022

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OAIC reference: MR22/00549

Agency reference: 2022-102165

Mr Marek Paderewski

By email: [1][FOI #8563 email]

Your IC review application about the Commonwealth Ombudsman

Dear Mr Paderewski

I refer to your email of 29 June 2022.

The OAIC has now registered your complaint made against the Commonwealth Ombudsman. Your complaint reference number is CP22/01467.

Please note that complaints are handled separately to Information Commissioner reviews. A member of the complaints team will be in touch with you in due course.

In relation to your application for IC review reference number MR22/00549, our understanding is that you now wish to withdraw your application for IC review. You please confirm that this understanding is correct?

To assist us we would appreciate a response by 14 September 2022.

Sincerely

Alistair B

[2][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory Group

Office of the Australian Information
Commissioner

GPO Box 5218 Sydney NSW 2001 |

[3]oaic.gov.au

1300 363 992 | [4][email address]

[5][IMG] | [6][IMG] | [7][IMG] | [8]Subscribe to OAICnet newsletter

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Marek September 08, 2022

Delivered

Dear Alistair B,

Thanks for your update. Your understanding is correct in relation to the IC review request.

I will refer to CP22/01467 in future correspondence.

Yours sincerely,

Marek

OAIC - FOI DR, September 08, 2022

Thank you for your email.

This is an automated response to confirm that your email was received by the Office of the Australian Information Commissioner (the OAIC) Freedom of Information Dispute Resolution (FOIDR) mailbox.

Please note this mailbox is monitored between 9 am to 5 pm on Monday to Friday, excluding public holidays and shutdown periods.

New review applications and FOI complaints

If you are seeking to lodge an application for review of an FOI decision or a complaint about an agency's processing of an FOI request, the OAIC will write to you shortly.

Information regarding the IC review process can be found at: [1]<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/> and in [2]Part 10 of the [3]FOI Guidelines.

Information regarding the FOI complaints process can be found at: [4]<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/how-we-handle-an-foi-complaint/> and in [5]Part 11 of the [6]FOI Guidelines.

Submissions for existing IC review matters and FOI complaints

If you have provided submissions for a matter currently with the OAIC,

your correspondence will be attached to the relevant file. The review adviser responsible for the matter will contact you should further information regarding the submissions be required.

Records of other agencies

Please note that the OAIC does not hold records of other government agencies. If you wish to request access to documents of another agency, you will need to make a request to that agency under the FOI Act. Information about [7]how to make an FOI request is available on the OAIC website.

General information

The following information is available on the OAIC [8]website:

- FOI reviews: [9][https://www.oaic.gov.au/freedom-of-infor...](https://www.oaic.gov.au/freedom-of-information/foi-review-process) (<https://web.archive.org/web/20221107184212/https://www.oaic.gov.au/freedom-of-information/foi-review-process%C2%A0%C2%A0%C2%A0>)
- FOI complaints: [10][https://www.oaic.gov.au/freedom-of-infor...](https://www.oaic.gov.au/freedom-of-information/foi-complaints) (<https://web.archive.org/web/20221107184212/https://www.oaic.gov.au/freedom-of-information/foi-complaints%C2%A0%C2%A0%C2%A0>)
- Extension of time for processing FOI requests: [11][https://www.oaic.gov.au/freedom-of-infor...](https://www.oaic.gov.au/freedom-of-information/foi-resources/foi-agency-resources/foi-agency-resource-13-extension-of-time-for-processing-requests) ([https://web.archive.org/web/20221107184212/https://www.oaic.gov.au/freedom-of-information/foi-resources/foi-agency-resources/foi-agency-resource-13-extension-of-time-for-processing-requests%C2%A0%C2%A0%C2%A0%C2%A0](https://web.archive.org/web/20221107184212/https://www.oaic.gov.au/freedom-of-information/foi-resources/foi-agency-resources/foi-agency-resource-13-extension-of-time-for-processing-requests%C2%A0%C2%A0%C2%A0))

We have also published guidance on applicants' [12]review rights and frequently asked questions for [13]individuals and [14]agencies.

If you have any further enquiries, please contact the OAIC Enquiries Line on 1300 363 992.

Kind regards

Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 488 064 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

References

Visible links

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OAIC reference: MR22/00549

Agency reference: 2022-102165

Mr Marek Paderewski

By email to: [1][FOI #8563 email]

Dear Mr Paderewski

Thank you for your response.

This matter is now considered withdrawn under s 54R of the Freedom of Information Act 1982 (Cth).

Section 54R(2) states that if an IC review application is withdrawn, it is taken never to have been made.

The matter is now closed.

Sincerely

Alistair B

[2][IMG] Intake and Early Resolution Team

Freedom of Information Regulatory Group

Office of the Australian Information Commissioner

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[3]oaic.gov.au

1300 363 992 | [4][email address]

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Marek September 15, 2022

Delivered

Dear Alistair B,

Thank you for your email, in which you confirm that the IC review is at an end. I trust that the OAIC will still consider the complaint that I made (ref: CP22/01467) and will get back to me with a resolution in due course. Please do not hesitate to contact me via this forum if you have any questions.

Yours sincerely,

Marek

OAIC - FOI DR, September 15, 2022

Thank you for your email.

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